IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3374 OF 2005
IN
WRIT PETITION NO.10338 OF 2004

The Laxmi Co.op Housing Society Ltd., ...Petitioner

Versus

Kantilal C. Kothari & Ors. ...Respondents

Shri Shekhar Shetye i/b M/s Khandeparkar & Associates for the Petitioner.

Shri A.B.Vagyani h/f Shri S.R.Borulkar for Respondent Nos.1 to 3.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 20th JANUARY, 2006.

P.C.

1. Heard Shri Shetye - learned Counsel appearing for the petitioner and Shri Vagyani learned Counsel appearing for respondent Nos.1 to 3. Shri Vagyani has filed further affidavit of the first respondent, which is affirmed on 18th January, 2006 and a Chart thereto is annexed thereto. He states that this would corroborate

and support the statements made in the earlier affidavit viz., 12th January, 2006. He states that as far as the ground-floor structure is concerned, one Satish Singh & Jagdhari Singh would be temporarily occupying the flat in possession of the first respondent and no third party right would be created either in favour of the said occupant or any other parties and the said flat would not be alienated during the pendency of this Writ Petition.

2. In the light of this statement of Shri Vagyani, which is made after taking instructions from the first respondent, who is present in Court, no further interim reliefs can be granted in the Writ Petition. However, it is directed that the transfers effected in respect of flats in question would abide by further orders and directions in the Writ Petition. The first respondent to inform all occupants/transferees about the pendency of this Writ Petition and that

the said transfer/alienation would be subject to the outcome of the same. Needless to state that, if any of the occupants vacate the said flats/tenaments in their occupation, the first respondent to intimate the co-operative society and thereupon it would be open for the co-operative society to take out fresh Civil Application. The said Civil Application will then be dealt with on its own merits and in accordance with law and the order now passed would not be an impediment for the petitioners to press the reliefs that are being sought in the fresh Civil Application.

(S.C.DHARMADHIKARI, J)